

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.09 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY,
TEXAS; AND RAMON CISNEROS, JR.,
ET AL.,

Defendants.

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CASE NO.

1:08-CV-224

Tract No.

RGV-FTB-1015

RGV-FTB-1015-1

STATUS REPORT

The United States files this status report in accordance with the Court's March 23, 2021 Order (Docket No. 111) regarding an update on the status in this case.

PROCEDURAL HISTORY

1. This is a condemnation case involving land in Brownsville, Cameron County, Texas that the United States acquired in 2008 for the border fence/infrastructure project.
2. On February 8, 2019, the Court submitted an order (Docket No. 98) establishing just compensation as THIRTY-THREE THOUSAND EIGHT HUNDRED AND TWELVE DOLLARS (\$33,812.00) with no party disputing this figure. Furthermore, in this order, the Court confirms that various lienholders have a potential claim to this amount and orders: 1) “defendant Cisneros and any lienholder with a claimed interest in the just compensation awarded in this case conduct limited discovery regarding the validity, status and/or priority of any lien related to the property at issue in this lawsuit.” 2) “by May 31, 2019, Mr. Cisneros and any lienholder with a claimed interest in the just compensation awarded in this case shall file a position paper with the court related to this claim” and 3)

“the parties shall file any responses to the position papers by June 21, 2019 and any reply briefs by June 28, 2019.” Id.

3. On February 22, 2019, the United States filed a notice of disclaimer for Lacks Valley Store. (Docket No. 100) To date, Lacks Valley Store remains in the case.
4. On May 30, 2019, Cameron County filed its claim and position papers. (Docket No. 105). Later that day, Cameron County filed a Corrected Claim and Position papers. (Docket No. 106)
5. On June 3, 2019, the Court dismissed the State of Texas from the instant case. (Docket No. 107)
6. On June 14, 2019, the United States filed its Position Papers as to Cameron County, Texas. stating that it has no opposition to claims made in the Corrected Claim and Position Paper of Cameron County, Texas. (Docket No. 110)
7. On March 23, 2021, the Court submitted an order directing the United States to file a status report by May 13, 2021 addressing: “1) The identified claimants and possible claimants to any just compensation 2) the current status of discussions with those claimants and possible claimants 3) the pending issues among the parties regarding just compensation or the identification of claimants and possible claimants and 4) recommendations as to possible avenues for resolution of this matter.” (Docket No. 111)

STATUS UPDATE

8. As to the Court’s first issue, the identifiable and possible identifiable claimants currently are Mr. Cisneros, Cameron County, Texas and technically, The Lack Valley Store since they were never officially dismissed from the case.
9. As to the Court’s second issue, since filing its position papers, the United States has not had any discussions with the defendant or any interested party who are potential

claimants.

10. As to the Court's third issue, currently, the only pending issue among the parties is for Mr. Cisneros to comply with the Court's February 8, 2019 order (Docket No. 98) and file his position papers as to Cameron County, Texas' claim. Alternatively, the Court can find that Mr. Cisneros is not opposed to the claim filed by Cameron County, as Mr. Cisneros failed to file a position paper with the Court.
11. As to the Court's fourth issue, the United States proposes the Court enter its ruling regarding the position paper filed by Cameron County asserting its claim in this matter. It appears that the only lienholder that can be satisfied with the just compensation awarded for the taking by the United States in this matter is Cameron County, Texas.
12. To date, it is unclear whether or not the defendant, Mr. Cisneros, conducted limited discovery with any lienholder with a claimed interest to just compensation.
13. In compliance with the Court's March 23, 2021 order (Dkt. 111), the United States has served a copy of the court's most recent order, Docket No. 111, on claimants that have been identified.¹ The United States served a copy of the aforementioned order to Mr. Ramon Cisneros, Jr. and Francis C. Cisneros on March 25, 2021 through their attorney, T. Mark Blakemore.² The United States served a copy of the order to: Tony Yzaguirre, Jr., Brownsville Independent School District, Cameron County, South Texas ISD Brownsville Navigation District, Emergency Services District and Texas Southmost College on March 25, 2021, through their counsel, Lori Gruver.³ Additionally, the United States has served a copy of said order on Maria Lopez and Sunrise Bank and Sunrise National Bank on March 25, 2021, through its trustee D.J. Lerma.⁴ Moreover, on March 25, 2021, the United

¹ See Exhibit 1.

² Id.

³ Id.

⁴ Id.

States served a copy of said order on El Clavo Sales, LP W through its registered agent Richard Buckholz.⁵ Lastly, the United States served a copy of said order on El Jardin Water Supply Corporation through its registered agent Gale E. Armstrong, Jr.⁶

14. In the interest of resolving this case, the United States proposes the Court set a hearing to rule on the claim asserted by Cameron County.

Respectfully submitted,

United States Attorney
Southern District of Texas

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CERTIFICATE OF SERVICE

I certify that on April 23, 2021, a copy of the foregoing was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record.

By: *s/ Alexander N. Dergarabedian*
ALEXANDER N. DERGARABEDIAN
Assistant United States Attorney

⁵ Id.

⁶ Id.